

File With \_\_\_\_\_

## SECTION 131 FORM

Appeal NO: ABP 314485-22Defer Re O/H ☐Having considered the contents of the submission dated/received 12/12/2023  
fromNiamh Maher I recommend that section 131 of the Planning and Development Act, 2000  
be/not be invoked at this stage for the following reason(s): no new material issuesE.O.: Pat B.Date: 14/12/2023

## For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached  
submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

# Validation Checklist

Lodgement Number : **LDG-068839-23**

Case Number: **ABP-314485-22**

Customer: **Niamh Maher**

Lodgement Date: **12/12/2023 16:22:00**

Validation Officer: **Patrick Buckley**

PA Name: **Fingal County Council**

PA Reg Ref: **F20A/0668**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



An  
Bord  
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

Run at: 14/12/2023 16:30

Run by: Patrick Buckley

Lodgement Cover Sheet - LDG-068839-23



Details

Lodgement Date	12/12/2023
Customer	Niamh Maher
Lodgement Channel	Email
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-068839-23
Map ID	
Created By	Patrick Buckley
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	F20A/0668

Categorisation

Lodgement Type	Observation / Submission
Section	Processing

PA Name	Fingal County Council
Case Type (3rd Level Category)	Normal Planning Appeal PDA2000

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	50.00
Refund Amount	0.00

Observation/Objection Allowed?	Yes
Payment	
Related Payment Details Record	

Observation

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	A proposed development comprising the taking of a 'relevant action' only within the meaning of Section 34C of the Planning and Development Act 2000, as amended, at Dublin Airport,
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Co. Dublin, in the townlands of Collinstown, Toberbunny, Commons, Cloghran, Corballis, Coultry, Portmellick, Harristown, Shanganhill, Sandyhill, Huntstown, Pickardstown, Dunbro, Millhead, Kingstown, Barberstown, Forrest Great, Forrest Little and Rock on a site of c. 580 ha. The proposed relevant action relates to the night-time use of the runway system at Dublin Airport. It involves the amendment of the operating restriction set out in condition no. 3(d) and the replacement of the operating restriction in condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19), as well as proposing new noise mitigation measures. Conditions no. 3(d) and 5 have not yet come into effect or operation, as the construction of the North Runway on foot of the North Runway Planning Permission is ongoing. The proposed relevant action, if permitted, would be to remove the numerical cap on the number of flights permitted between the hours of 11pm and 7am daily that is due to come into effect in accordance with the North Runway Planning Permission and to replace it with an annual night-time noise quota between the hours of 11.30pm and 6am and also to allow flights to take off from and/or land on the North Runway (Runway 10L 28R) for an additional 2 hours i.e. 2300 hrs to 2400hrs and 0600 hrs to 0700 hrs. Overall, this would allow for an increase in the number of flights taking off and/or landing at Dublin Airport between 2300 hrs and 0700 hrs over and above the number stipulated in condition no. 5 of the North Runway Planning

Permission, in accordance with the annual night time noise quota. The relevant action pursuant to Section 34C (1) (a) is: To amend condition no. 3(d) of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19). Condition 3(d) and the exceptions at the end of Condition 3 state the following: '3(d). Runway 10L-28R shall not be used for take-off or landing between 2300 hours and 0700 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports.' Permission is being sought to amend the above condition so that it reads: 'Runway 10L-28R shall not be used for take-off or landing between 0000 hours and 0559 hours except in cases of safety, maintenance considerations, exceptional air traffic conditions, adverse weather, technical faults in air traffic control systems or declared emergencies at other airports or where Runway 10L-28R length is required for a specific aircraft type.' The net effect of the proposed change, if permitted, would change the normal operating hours of the North Runway from the 0700hrs to 2300 hrs to 0600 hrs to 0000 hrs. The relevant action also is: To replace condition no. 5 of the North Runway Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No.: PL06F.217429 as amended by Fingal County Council F19A/0023, ABP Ref. No. ABP-305289-19) which provides as follows: 5. On completion of construction of the runway hereby permitted, the average number of night

Development Description

F20A/0668

PA Case Number



all aircraft movements at the airport shall not exceed 65/night (between 2300 hours and 0700 hours) when measured over the 92 day modelling period as set out in the reply to the further information request received by An Bord Pleanála on the 5th day of March, 2007. Reason: To control the frequency of night flights at the airport so as to protect residential amenity having regard to the information submitted concerning future night time use of the existing parallel runway'. With the following: A noise quota system is proposed for night time noise at the airport. The airport shall be subject to an annual noise quota of 7990 between the hours of 2330hrs and 0600hrs. In addition to the proposed night time noise quota, the relevant action also proposes the following noise mitigation measures: - A noise insulation grant scheme for eligible dwellings within specific night noise contours; - A detailed Noise Monitoring Framework to monitor the noise performance with results to be reported annually to the Aircraft Noise Competent Authority (ANCA), in compliance with the Aircraft Noise (Dublin Airport) Regulation Act 2019. The proposed relevant action does not seek any amendment of conditions of the North Runway Planning Permission governing the general operation of the runway system (i.e., conditions which are not specific to nighttime use, namely conditions no. 3 (a), 3(b), 3(c) and 4 of the North Runway Planning Permission) or any amendment of permitted annual passenger capacity of the Terminals at Dublin Airport. Condition no. 3 of the Terminal 2 Planning Permission (Fingal County Council Reg. Ref. No. F04A/1755; ABP Ref. No. PL06F.220670) and condition no. 2 of the Terminal 1 Extension Planning

	<p>Permission (Fingal County Council Reg. Ref. No. F06A/1843; ABP Ref. No. PL06F.223469) provide that the combined capacity of Terminal 1 and Terminal 2 together shall not exceed 32 million passengers per annum. The planning application will be subject to an assessment by the Aircraft Noise Competent Authority in accordance with the Aircraft Noise (Dublin Airport) Regulations Act 2019 and Regulation (EU) No 598/2014. The planning application is accompanied by information provided for the purposes of such assessment. An Environmental Impact Assessment Report will be submitted with the planning application. The planning application and Environmental Impact Assessment Report may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority during its public opening hours of 9.30 - 16.30 (Monday – Friday) at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin.</p>
Applicant	
Additional Supporting Items	Yes

	08/08/2022
PA Decision Date	
County	
Development Type	
Development Address	Dublin Airport, Co. Dublin
Appellant	
Supporting Argument	

**Karen Hickey**

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~~Fineg~~  
Patrick

**From:** Bord  
**Sent:** Tuesday 12 December 2023 15:09  
**To:** Appeals2  
**Subject:** FW: case number ABP-314485-22, reference number F20A/0668  
**Attachments:** Personal Submission for Relevant Action.pdf

**From:** niamh maher <niamhisa@gmail.com>  
**Sent:** Tuesday, December 12, 2023 2:38 PM  
**To:** Bord <bord@pleanala.ie>  
**Subject:** case number ABP-314485-22, reference number F20A/0668

Good afternoon, I wish to submit my personal response to the additional information supplied by the daa relating to the relevant action and associated proposed changes.

Regards,  
Dr Niamh Maher.



## Personal response to the additional information supplied by the DAA for the proposed relevant action

My name is Niamh Maher, I am one of the original appellants to the proposed relevant action. The opening of the north runway in August 2022 was the beginning of a living nightmare for me and my family.

Initially we thought there were teething problems and an error was made that would be adjusted, but this has not occurred.

How has this affected my family and I?

Since the north runway became fully operational in July 2023, all the departing flights from the north runway, between 7 am and 11 pm, in westerly directions, fly over my home.

These flight paths were never communicated, never 'intended'.

If they were, we would never have chosen to move to this area or rebuild our home as recently as 2019.

We are woken by the first plane every morning at 7 am and cannot sleep until the last plane passes over at 11pm. Our young children are irritated and unsettled by the profound increase in noise which we experience on a daily basis. We cannot use our garden in any enjoyable fashion due to the constant barrage of noise.

We are unmitigated, as, according to all previous 'engagement' and information provided prior to the opening of the north runway we were not meant to be within a significant noise contour zone or red zone.

But now we are.

The proposed relevant action asks two things officially, conditions 3d and 5 to be changed, but it is really asking a whole lot more.

It is essentially a new planning application, not a relevant action.

An excerpt from the introduction of the additional information-

'The principal changes addressed by the EIAR supplement (September 2023) are:

1. **Actual flightpaths from North Runway upon commencement differing from assumed flightpaths used for modelling/assessment purposes in the previous EIARs;**
2. Updated air traffic forecast data;
3. **Earlier fleet modernisation;**
4. The North Runway becoming operational in August 2022;
5. Other 'passage of time changes' that include changes to the environmental baseline conditions and changes to relevant aviation, planning and environmental legislation, policy, guidance and best practice'.

There are new noise contours modelled which align more closely with the noise experienced due to the 'divergent flightpaths'. However these are not the contours that were used for land use planning by Fingal county council or for mitigation measures prior to the opening of the new north runway.

There is an admittance that the flight paths have been changed.

As part of original planning from 2007 there needed to be appropriate mitigation in place or at least offered prior to the opening of the north runway in 2022.

This did not happen.

And those homes that were mitigated and knew they would be affected are now not under the westerly departing flight paths.

The current environment being subjected to the westerly departing flight paths, i.e. us, was never environmentally assessed (condition 1 of 2007 planning for the north runway).

The DAA state fleets have been modernised.

This in reality means that the noise is reduced by 50%. Which in decibels on a logarithmic scale equates to 3 dB. Not a lot when a plane is still flying over your home at 83dB. The WHO in 2018 (1) strongly recommended that day time average noise levels should not exceed 45dB and night time noise, 40 dB. The DAA use the approved European guidance of 55dB (2). We had noise monitoring professionally done outside our home last year which showed average levels of 64-65 dB.

From the noise modelling report in the additional information-

#### '3.5 Discussion

When considering the expected number of nightly awakenings given in Section 3.4 it should be noted that they relate to a population of over 1 million people, and that awakenings occur irrespective of the any aircraft noise events. The WHO notes a healthy adult briefly awakens ca. 20 times during an 8 h bed period. Combining these values gives an underlying level of awakenings of ca. 20 million. In comparison to this the additional awakenings due to aircraft noise are much lower.

Given the size of the population under consideration, this also means that for much of the population the chance of an additional awakening is low, and on average it is under 3%'.

The DAA state aircraft noise generally and more specifically at night, **may** have an effect on your cardiovascular health and **may** lead to additional awakenings at night, but the risk is small, 3%. The diluted manner in which the increased probability of awakenings is presented undermines the true magnitude of the night time noise effect on those that will be at least significantly affected. Other European airports (ie Heathrow), show more transparency in their advertisement of the probability of additional awakenings in the more significantly affected areas (3).

Relating to the effect of aircraft noise on health, it is indisputable that night time aircraft noise in particular, is absolutely detrimental to your cardiovascular health (4-7).

The literature supports this and the mechanism of action is very similar to how the traditional risk factors for cardiovascular disease exert their influence.

Those with pre existing cardiovascular disease are at increased risk of a major adverse cardiovascular event (MACE) due to night time aircraft noise (8).

The potential to develop diabetes is also significantly increased (9-12).

Children exposed to aircraft noise 24/7 have increased risk of cognitive impairment (13), reduced reading age (14), anxiety and depression.

Those with pre existing respiratory disease can have exacerbation of their conditions due to fumes from aircraft (15).

These health effects are pertinent as to why I have such strong objections to the proposed relevant action.

We are already being seriously harmed by the current operations of the north runway.

We are fighting to be heard regarding the injustice of how these operations have transpired to be.

I work as a specialist in a high risk, high stress medical job as a doctor. My husband is a type 1 diabetic. My daughter is asthmatic. These determinants expose us even more so to the adverse effects of the noise being emitted daily from the departures off the north runway.

When the south runway is closed for maintenance, I cannot sleep as the north runway is in use most of the night and have been unable to function adequately in my working role the subsequent days.

Who takes accountability and responsibility for that?

My point is that because this is our home, our place for rest and recuperation, this has been robbed from us.

We had no choice in this matter, it has been forced upon us and relayed back to us by the DAA, that it was always 'intended' to be that way.

We built a replacement dwelling in 2019. We applied for planning permission. We were not required to insulate our home to any specific noise mitigation requirements as planes were not meant to be flying over us, not according to the development plans for the Fingal region anyway.

The county council were not even aware of these 'intended' flight paths.

Now to add insult to injury, the DAA want to torture us more by increasing the hours of use of the north runway by 2 hours and have the majority of the departures (27) occurring after 6 am over our home?

The shoulder hours of the night and the morning are important for getting to sleep and also staying asleep in the am. In the mornings we are even more susceptible to disturbance by noise due to the sleep stage we are in.

Our sleep quality and quantity is going to be even more seriously disrupted.

It is also important to note that the DAA plan to apply for a 40 million passenger application on the 15th of December. Surely this inevitability should have been factored into both the proposed and predicted scenarios?

Approximately 10,000 people will be significantly affected by these proposed changes, and highlights the absence of appropriate mitigation measures in place for a large cohort of people.

If this relevant action is approved, the noise problem at Dublin airport will get a whole lot worse. It is proven that if a population are angry and annoyed by how operations are occurring presently, by forcing another significant adverse change on that population the effect on health will be magnified due to annoyance.

The noise quota has no fleet movement limit and will potentially allow as many planes as feasible to fly out overnight. This will not help those living under those flight paths. Due to the nature of aircraft noise, its frequency and pattern, it will lead to more sleep disruption.

The National Sleep Foundation recommend an adult has an average of 7-9 hours sleep per night, to ensure adequate rest and recuperative sleep.

For children the average time is even longer, ranging from, for a young child 10-13 hours, to a teenager being 8-10 hours (16).

Even presently it is impossible to achieve the normal average for an adult.

It is clear that there is a preference to use the north runway for westerly departures and maximise its use at the cost of the communities that now have to live under this flight path.

As a member of one of those communities I cannot understand how the DAA are allowed to abuse us in this manner. Not to forget the alleged breaches in the north runway planning permission already sitting with Fingal county council, one already enforced relating to condition 5 of the 2007 planning permission.

The DAA repeatedly choose to ask for forgiveness as opposed to permission.

As far as I am concerned, the law is the law.

The DAA have not engaged appropriately with the community stakeholders whose lives are being destroyed with their non adherence to previously advertised flight paths.

Community liaison, or indeed Kenny Jacobs himself, have never come to our door, despite repeated attempts on our side of engagement.

This proposed relevant action, if approved, will be the final nail in the coffin for us all.

The DAA have not carried out any appropriate noise monitoring in the affected communities of the current noise and continue to model the noise as opposed to what is happening in real time with

the north runway being operational. There is one mobile noise monitor in use in the vicinity of the north runway, is this really appropriate given the magnitude of the development?

The DAA, in their additional new information, chapter 7, attempt to undermine the significance of the health effects of aircraft noise and indeed the effects on sleep due to stating there is no way to reliably measure sleep disruption-which is not the case according to the literature and experts in this field such as Mathias Basner (17-20).

Both objective and subjective assessment are thought to be appropriate. The dilution of the probability of awakenings occurring, as already mentioned, is another attempt to diminish the perceived effect of night time aircraft noise on those living closer to the airport.

The fact that it is stated that the flight paths are now closer in alignment with what was originally planned is completely incorrect. The flight paths now are wildly different to what has been previously communicated.

These paths may have been the ones that the DAA wanted but they are in no way similar to those previously advertised.

Due to the substantial amount of additional information provided by the DAA it appears as though they are looking for a new planning permission without having to go through the actual process of applying for one as the north runway is already built and operational.

Surely this should be a retention application and not a relevant action?

Also due to the enormity of the impact that the changes to condition 3d and 5 will have, conditions that were put in place to protect communities, might I add, during the original planning application, this discussion surrounding granting of these changes should at the very least be occurring in an oral hearing setting. I would strongly suggest that this should still be considered.

The DAA are showing disregard for the planning laws.

An Bord Pleanála need to show everyone in this country, the DAA included, that planning laws matter, are meant to be balanced, should be adhered to and cannot be broken.

## References

1)WHO Environmental Noise Guidelines 2018

2)European Environment Agency. Environmental noise in Europe [https://www.eea.europa.eu/publications/ environmental-noise-in-europe](https://www.eea.europa.eu/publications/environmental-noise-in-europe) (2020).

3)Manuel G, Martinez AJT, USAL-SoNA2: Technical Review of Phase 2 of the Survey of Noise Attitudes (SoNA) studies. University of Salford, UK.

4)'Transportation noise pollution and cardiovascular disease,' Munzel T, Sorenson M and Daiber A, Nature, vol 18, Sep 2021.

5)Münzel, T. et al. Environmental noise and the cardiovascular system. J. Am. Coll. Cardiol. 71, 688–697 (2018)

6)Münzel, T. et al. Effects of noise on vascular function, oxidative stress, and inflammation: mechanistic insight from studies in mice. Eur. Heart J. 38, 2838–2849 (2017).

7)Münzel, T. et al. Effects of tobacco cigarettes, e-cigarettes, and waterpipe smoking on endothelial function and clinical outcomes. Eur. Heart J. 41, 4057–4070 (2020).

8)Héritier, H. et al. Transportation noise exposure and cardiovascular mortality: a nationwide cohort study from Switzerland. *Eur. J. Epidemiol.* 32, 307–315 (2017).

9)Clark, C. et al. Association of long-term exposure to transportation noise and traffic-related air pollution with the incidence of diabetes: a prospective cohort study. *Environ. Health Perspect.* 125, 087025 (2017).

10)Eze, I. C. et al. Long-term exposure to transportation noise and air pollution in relation to incident diabetes in the SAPALDIA study. *Int. J. Epidemiol.* 46, 1115–1125 (2017).

11)Ohlwein, S. et al. Indoor and outdoor road traffic noise and incident diabetes: Results from a longitudinal German cohort study. *Environ. Epidemiol.* 3, e037 (2019).

12)Jorgensen, J. T. et al. Long-term exposure to road traffic noise and incidence of diabetes in the danish nurse cohort. *Env. Health Perspect.* 127, 57006 (2019).

13)C. Clark, Rocío Martín et al. 'Exposure-effect relations between aircraft and road traffic noise exposure at school and reading comprehension: the RANCH project'. Published in *American Journal of epidemiology*, 2006

14)Guski R, Klatte M, Moehler U, Müller U, Nieden A, Schreckenberger D. NORAH (Noise Related Annoyance, Cognition, and Health) 22nd International Congress on acoustics .

15)Carey, I. M. et al. Traffic pollution and the incidence of cardiorespiratory outcomes in an adult cohort in London. *Occup. Env. Med.* 73, 849–856 (2016).

16)The National Sleep Foundation.  
<https://www.thensf.org/>

17)Basner M, Barnett I, Carlin M, Choi HG, Joseph J, Czech 3, Ecker AJ, Gilad Y, Godwin T, Jodts E, Jones CW, Kaizi-Lutu M, Kali J, Opsomer JD, Park-Chavar S, Smith MG, Schneller V, Song N and Shaw PA. (Nov 2023).  
'Effects of Aircraft Noise on Sleep: Federal Aviation Administration National Sleep Study Protocol.' Unit for Experimental Psychiatry, Division of Sleep and Chronobiology, Department of Psychiatry, University of Pennsylvania Perelman School of Medicine, Philadelphia, PA 19104, USA

18)Basner, M. & McGuire, S. WHO environmental noise guidelines for the european region: a systematic review on environmental noise and effects on sleep. *Int. Environ. Res. Public Health* 15, 519 (2018).

19)Basner, M. et al. Auditory and non-auditory effects of noise on health. *Lancet* 383, 1325–1332 (2014).

20)Basner, M.; Isermann, U.; Samel, A. Aircraft noise effects on sleep: Application of the results of a large polysomnographic field study. *J. Acoust. Soc. Am.* 2006, 119, 2772–2784.